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Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/766,895      | 12/13/96    | DUNNING              | D 42390.P3991       |

LM61/0324

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EXAMINER

VU, H

ART UNIT

PAPER NUMBER

2733

DATE MAILED:

03/24/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/766,895**

Applicant(s)  
**Dunning et al.**

Examiner  
**Huy Vu**

Group Art Unit  
**2733**



☒ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Correction is required.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In this instant application, The abstract contains more than one paragraph and its length exceeds 250 words.

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3. Applicant is requested to provide the serial number of the related U.S. patent application cited on page 2 of the specification.

***Claim Rejections - 35 U.S.C. § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art of figure 3 in view of Huang et al (USP 5,442,474).

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Applicant's admitted prior art of figure 3 shows the receiving at a switch of a packet of binary digital signal including encoded binary digital signals used to route the packet through a network. Applicant's admitted prior art of figure 3 differs from the claims in that Applicant's admitted prior art does not teach the copying of the encoded binary digital signals (headers) used to route the packet through the network for decoding the encoded binary digital signals (headers). However, such feature is taught by Huang. Specifically, Huang teaches that encoded binary digital signals (headers and/or routing bits) for routing determination are copied for the decoding of headers and routing bits (see the copying of headers and routing bits by circuits 510 and 520) to correctly route of the packet. Huang's copying reduces processing time and, thus, improve routing speed in the switch. Hence, it would have been obvious to one skilled in the art at the time the invention was made to apply Huang's teaching of copying the headers and/or routing bits for decoding headers/routing bits in the prior art system of Applicant's admitted prior art with the motivation being to reduces processing time and, thus, improve routing speed in the switch.

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judd et al. (USP 5,465,251) in view of Huang et al (USP 5,442,474).

Judd teaches the receiving at a switch (see node 450 in figure 13) of a packet of binary digital signal including encoded binary digital signals (headers) used to route

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the packet through a network. Judd differs from the claims in that Judd does not teach the copying of the encoded binary digital signals (headers) used to route the packet through the network for decoding the encoded binary digital signals (headers). However, such feature is taught by Huang. Specifically, Huang teaches that encoded binary digital signals (headers and/or routing bits) for routing determination are copied for the decoding of headers and routing bits (see the copying of headers and routing bits by circuits 510 and 520) to correctly route of the packet. Huang's copying reduces processing time and, thus, improve routing speed in the switch. Hence, it would have been obvious to one skilled in the art at the time the invention was made to apply Huang's teaching of copying the headers and/or routing bits for decoding headers/routing bits in Judd's system with the motivation being to reduces processing time and, thus, improve routing speed in the switch.

7. Claims 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over May et al. (USP 5,422,881) in view of Huang et al (USP 5,442,474).

May teaches the reception of packets containing serial data format with "clock-with-data" encoding (see col. 5, lines 9-50). May fails to teach the specifying of a route without decoding. However, Huang teach a format of headers and routing bits in the packet, which enables the specifying of a rout without decoding. Hence, it would have been obvious to one skilled in the art at the time the invention was made

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to apply Huang's teaching of using the headers and/or routing bits for specifying a route in May's system with the motivation being to reduce processing time and, thus, improve routing speed in the switch.

Regarding claims 25-27, May's circuit La can be considered as a network interface component since it provides interface between switch 10 and a host device or between switch 10 and another switch.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Vu whose telephone number is (703) 308-6602. The examiner can normally be reached on Tuesday - Friday from 8:00 a.m. to 5:30 p.m. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal stroke extending to the right.

*Huy D. Vu*  
*Patent Examiner*

March 15, 1998